

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF OKLAHOMA**

THE CHEROKEE NATION,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 18-cv-56-Raw
	)	
MCKESSON CORPORATION; CARDINAL	)	
HEALTH, INC.; CARDINAL HEALTH 110,	)	
LLC; AMERISOURCEBERGEN DRUG	)	
CORPORATION; CVS HEALTH	)	
CORPORATION; CVS PHARMACY, INC.;	)	
OKLAHOMA CVS PHARMACY, LLC;	)	
WALGREENS BOOTS ALLIANCE, INC.;	)	
WALGREEN CO.; WAL-MART STORES,	)	
INC.,	)	
	)	
Defendants.	)	

**ORDER**

Before the court is Defendants' McKesson Corporation, Cardinal Health, Inc., Cardinal Health 110, LLC, and Amerisourcebergen Drug Corp.'s Motion to Dismiss [Docket No. 101]. The Defendants request that the court dismiss this case on the grounds that Plaintiff's complaint fails to state a claim upon which relief may be granted pursuant to the Federal Rules of Civil Procedure.

Plaintiff is invited, if it so desires, to file an amended complaint by March 27, 2020, providing additional factual averments which may vitiate Defendants' claims of insufficiency. Should Plaintiff decline to amend the complaint, the court will consider the motion and response as previously filed.

Further, the Motion to Dismiss will be deemed **MOOT**, upon the filing of an Amended Complaint, without prejudice to re-filing. (An amended complaint supersedes the previous

complaint and renders it of no legal effect. *See Davis v. TXO Prod. Corp.*, 929 F.2d 1515, 1517 (10th Cir. 1991) (citations omitted)). Defendants' deadline to renew the Motion to Dismiss is April 6, 2020.

IT IS SO ORDERED this 17th day of March, 2020.



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The Honorable Ronald A. White  
United States District Judge